

Stuber, Robyn

From: Smith, DavidW
Sent: Friday, March 14, 2014 8:05 AM
To: McNaughton, Eugenia; Stuber, Robyn; Denton, Debra
Subject: RE: Here hopefully is the final with edits incorporated. I'd like to send it out tomorrow
Attachments: StBdTST3132014final.DWS.doc

Thanks so much Eugenia. I hate to be a pain, but I'm still a bit concerned about two issues- one that I flagged yesterday and another that I kinda just noticed. I suggest a couple edits to clarify that the approval applies to:

- New permits that incorporate toxicity testing provisions (doesn't automatically apply retroactively to existing permit-required toxicity testing), and
- Applies to new permits issued by State AND Regional Boards.

I'm happy to discuss if we need to.

David Smith
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From: McNaughton, Eugenia
Sent: Thursday, March 13, 2014 5:11 PM
To: Smith, DavidW; Stuber, Robyn; Denton, Debra
Subject: Here hopefully is the final with edits incorporated. I'd like to send it out tomorrow

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
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March 12, 2014

Renee Spears
Quality Assurance Officer
State Water Resources Control Board
Sacramento CA

Dear Ms. Spears:

This letter address the State Water Resources Control Board (State Water Board) request of February 12, 2014 to use the two –concentration test design to evaluate toxicity tests using the Test of Significant Toxicity (TST) hypothesis to comply with the Code of Federal Regulations, title 40, section 136.3 and 136.5. The EPA Region 9 Quality Assurance Office (QAO) has reviewed your request, justification and supporting documentation.

I am pleased to inform you that we have determined that the State Water Board's proposed use of the two-concentration toxicity test evaluated using the Test of Significant Toxicity (TST) is an acceptable equivalent under the ATP process to the five-concentration test evaluated using NOEC-LOEC hypothesis testing recommended in 40 CFR Part 136.5. While the results of the TST should generally be similar to those of the NOEC-LOEC test, it improves understanding of discharge condition by correctly identifying toxic and non-toxic samples more often than when using the latter. In summary, we agree that when using the TST statistical approach, the use of the two-concentration is an appropriate –test design.

Please note that approval is in this case state-wide, that is, it will apply applies to all new or revised dischargers holding NPDES permits issued by the State Water Board and Regional Water Quality Control Boards that include whole effluent toxicity testing provisions.

Please contact me (415-972-3411) if you have further questions.

Sincerely,

Eugenia McNaughton, Ph.D.
Manager, Quality Assurance Office

Comment [DS1]: I'm suggesting the deletion of "dischargers holding" here as I'm concerned the letter could be misinterpreted to apply to existing permits. I thought the idea was that TST-based testing would be approved for all new permits issued by State and Regional Boards. Also, I think we need to be more explicit that this applies to permits issued by both State Board and Regional Boards, hence the suggested addition.